

REMARKS/ARGUMENTS

Claims 68 and 88 have been rejected. Claim 88 has been cancelled without prejudice to or disclaimer of the subject matter encompassed thereby in order to further prosecution of this application. Applicants expressly reserve the right to file continuing applications or take other such appropriate measures to seek protection for the inventions encompassed by the cancelled subject matter.

Claim 68 has been amended to remove the phrase “and wherein said antimuscarinic is present in an amount from about .5 mg to about 5 mg”. Claim 96 has been added to depend from claim 68 and specifies that the antimuscarinic within the claimed pharmaceutical composition is Oxybutynin and is present in an amount from about .5 mg to about 5 mg. As the Examiner has correctly acknowledged in the Office Action dated February 13, 2008, support for this dosage range as it relates to Oxybutynin may be found in the specification on page 90, first full paragraph. Accordingly, no new matter has been introduced by way of these claim amendments.

These claim amendments were not presented earlier as Applicants earnestly believe the previously presented claims recite patentable subject matter. The Examiner is respectfully requested to enter these new claim amendments to further prosecution or to place the application in better condition for appeal.

Claims 67-74, 80-87, and 96 are currently pending in the application. Reconsideration of the claims is respectfully requested in view of the following remarks. The Examiner’s comments in the Office Action dated February 13, 2008 are addressed below in the order set forth therein.

The Rejection of the Claims Under 35 U.S.C. §112, First Paragraph, Should Be Withdrawn

Claims 68 and 88 have been rejected under 35 U.S.C. §112, First Paragraph as failing to comply with the written description requirement. The Examiner states that page 90 of the specification only provides support for Oxybutynin for the dosage “in an amount from about .5 mg to about 5 mg”. Accordingly, Applicants have cancelled claim 88, and amended claim 68 to remove the phrase “and wherein said antimuscarinic is present in an amount from about .5 mg to about 5 mg”. Claim 96 has been added to depend from claim 68 and specifies that the

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antimuscarinic within the claimed pharmaceutical composition is Oxybutynin and is present in an amount from about .5 mg to about 5 mg. Accordingly, Applicants submit that this rejection has been obviated and request that it be withdrawn.

CONCLUSION

In view of the aforementioned amendments and remarks, Applicants respectfully submit that the rejection of the claims under 35 U.S.C. §112, First Paragraph, has been overcome. Accordingly, Applicants submit that this application is now in condition for allowance. Early notice to this effect is solicited.

It is not believed that extensions of time or fees for net addition of claims are required. However, in the event that extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. §1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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